

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN ALLAN WALTERS**, on March 1, 2001 at 8:00 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Allan Walters, Chairman (R)  
Rep. Debby Barrett, Vice Chairman (R)  
Rep. Tom Dell, Vice Chairman (D)  
Rep. Norma Bixby (D)  
Rep. Dee Brown (R)  
Rep. Donald L. Hedges (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Jent (D)  
Rep. Michelle Lee (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Gay Ann Masolo (R)  
Rep. Douglas Mood (R)  
Rep. Alan Olson (R)  
Rep. Holly Raser (D)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Frank Smith (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Ruthie Padilla, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 184, SB 185, SB 205,  
2/22/2001  
Executive Action: HB 122

**HEARING ON SB 184**

**Sponsor:** SENATOR JOHN COBB, SD 25, AUGUSTA

**Proponents:** Dick Croft, Commissioner of Higher Education

**Opponents:** None

**Opening Statement by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 0.6}*

**SENATOR JOHN COBB, SD 25, AUGUSTA** state the bill would extent the membership of interagency coordinating council for state prevention programs. He then discussed each section of the bill with the committee.

**Proponents' Testimony:**

*{Tape : 1; Side : A; Approx. Time Counter : 2.3}*

**Dick Cross, Commissioner of Higher Education** said this council meets about 6 times a year and the university system has a significant number of academic programs and services relevant to the work of the council. Over the last year they participated on an informal basis as non-members and they support the expansion of the membership.

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 3.5}*

**REPRESENTATIVE BROWN** asked what is the background of state prevention programs. **SENATOR COBB** replied the boards duty is to coordinate goals to fit an unified prevention budget. This budget lists and reviews all prevention programs. The interagency coordinating council sets goals to reduce crime, child abuse, tobacco and drug use, and violence. Everybody has ideas to reduce them, but it is the job of the interagency council to get the agencies to set workable unified goals. **REPRESENTATIVE BROWN** asked if there is a time frame for any of the goals. **SENATOR COBB** said the agencies originally set 2005 goals, but the staff is working on two and three year goals. He wishes agencies could move faster but at least the council is making them have more narrow goals verses long term goals.

**REPRESENTATIVE LEHMAN** asked when this council began. **SENATOR COBB** replied in 1993. **REPRESENTATIVE LEHMAN** then asked if the council has been successful. **SENATOR COBB** stated he thinks it has been successful in the sense of getting goals set, but wished it would have been faster. It is hard to get agencies to work fast. **REPRESENTATIVE LEHMAN** asked who pays for the meetings. **SENATOR COBB** said each agency pays its own tab. There is no separate budget for this, they are on their own.

**REPRESENTATIVE HEDGES** asked if there are any examples where the council has met and had some success with setting and reaching a goal. **SENATOR COBB** said most of the goals being worked on right now are in humans service and they have made sure there is no duplications of the programs.

**REPRESENTATIVE DELL** said he can see the Department of Transportation getting upset when they receive a notice saying they have to be part of the council for prevention programs when it has nothing to do with the Department of Transportation. He then asked how they will deal with those kinds of situations. **SENATOR COBB** said Department of Transportation asked to be on the council. They have not asked anyone to be on the council who does not want to be on it. Department of Transportation deals with traffic safety and asked to come and participate.

**REPRESENTATIVE JACOBSON** asked if they add three additional members, would it have the potential of slowing the decision making process down. **SENATOR COBB** stated he does not feel it will slow the process down by adding three more members. They currently show up at the meetings anyway but cannot have input.

**REPRESENTATIVE BARRETT** asked if the funding currently passed for drop outs up to 21 years will hinder any programs that are currently in place. **SENATOR COBB** replied he does not know anything about that specific bill and does not know if anything is being duplicated or not.

**Closing by Sponsor:**

***{Tape : 1; Side : A; Approx. Time Counter : 15.6}***

**REPRESENTATIVE COBB** closed on the bill.

HEARING ON SB 185

Sponsor: SENATOR JOHN COBB, SD 25, AUGUSTA

Proponents: Linda Vaughey, Commission Of Political Practices  
Dulcy Hubbert, Commission Of Political Practices  
Darrell Holzer, AFL-CIO  
Matthew Leow, Montana Public Interest Research  
Group  
Jim Shire, Attorney Generals Office

Opponents: None

Opening Statement by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 15.8}*

SENATOR JOHN COBB, SD 25, AUGUSTA submitted and discussed written testimony. **EXHIBIT**(sth47a01)

Proponents' Testimony:

*{Tape : 1; Side : A; Approx. Time Counter : 30.9}*

**Linda Vaughey, Commission Of Political Practices** said there are two sections of the bill she would like to address. The first is the amendments to section 10, page 9 which extends the time for report checking from 10 to 20 days. Is it ten working days? She feels they are doing as good a job as they could be doing because of the 10 day turn around. The other issue is the amendments in section 16, page 12. Currently they are required to provide forms to candidates in committees showing the contributions received. A certain amount triggers filing a report within a specified time. When addendums are attached to the instruction it tends to create confusion for candidates and treasurers.

**Darrell Holzer, AFL-CIO** said he deals with campaign reports on an ongoing basis and anything that clarifies and makes it more understandable and removes opportunity for errors is appreciated.

**Matthew Leow, Montana Public Interest Research Group** said as the law exists now there is a lot of vague language and questions of enforce ability and feels passing the bill will make the laws that exist more useful to the commissioner.

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : B; Approx. Time Counter : 6.4}***

**REPRESENTATIVE BROWN** asked, if term limits contributed to the huge increase of reports this year. **Linda Vaughey** replied one would think that was the case, but in fact they anticipated more filings than there were. She said their budget committee prepared a comparison of the last 10 years of district and state-wide candidates. In 1992 there were 40 state-wide candidates and 283 district candidates. This past elections cycle there were 41 state-wide candidates and 375 district candidates, which is an increase of 19. In 1994 there were 352 district candidates. **REPRESENTATIVE BROWN** then asked if they increase the time from 10 to 20 days, what amount would the department save. **Linda Vaughey** said that would be a difficult number to come up with. **REPRESENTATIVE BROWN** and **Linda Vaughey** then discussed the process of the reports being filled out and submitted.

**REPRESENTATIVE BARRETT** clarified that if the bill passes they will have the ability to fine candidates and require the missing report. **Linda Vaughey** said they already have the ability to impose a civil fine of \$500.00 or 3 times the unreported amount, however they try to facilitate compliance rather than issuing fines. In her 2 years as Commissioner her office has imposed a fine is when a candidate refuses to complete the required forms in a given time. **REPRESENTATIVE BARRETT** asked if a candidate can pay the fine and not give the information. **Linda Vaughey** replied they are required to come into compliance with the statutes and the few times it has happened, the reports were eventually filed.

**REPRESENTATIVE HEDGES** asked what the significance is of the 20 day limit on the reports that have to be filed. Why could it not be 45 days. He then asked if it is not filed in time will the candidates name be taken off the ballot. **Jim Shire** said the commissioner determined that 20 days would be sufficient. **Linda Vaughey** clarified they have to have the reports by a certain time because they have to be certified as compliant before the candidates name can appear on the general election ballots. If the report is not received the candidate will run the risk of their name not being on the ballot, but only after about 10 notifications from her office.

**REPRESENTATIVE OLSON** asked when is a public officer not on the job or at their place of employment. **Jim Shire** replied that some will argue public officers and elected officers are on the job 24 hour

a day, however if you are home on the weekend even if you are a public officer you are not going to get a violation. **REPRESENTATIVE OLSON** asked if a legislature is prohibited under this bill to send out a letter addressing a particular ballot issue on legislative letterhead. **Jim Shire** replied if it were done on the job or at the place of employment it would be okay.

**REPRESENTATIVE SCHRUMPF** asked if there were a lot of violations this year due to new candidates and so many reports needing to be filed. **Linda Vaughey** said she did not think there were anymore this year than last.

**CHAIRMAN WALTERS** asked if there was a need for the original signed documents if it was faxed to the commission. **Linda Vaughey** said they ask for a signed original to follow the faxed copy. The reason is because sometimes the fax is not clear and difficult to read, so having the original is helpful. **CHAIRMAN WALTERS** then asked if a candidate if fined \$500.00 and does not have the \$500.00 in their account are they personally responsible for that fine. **Linda Vaughey** said they will negotiate a settlement, but they seldom get to this kind of situation.

**Closing by Sponsor:**

*{Tape : 2; Side : A; Approx. Time Counter : 23.7}*

**REPRESENTATIVE COBB** stated when the committee takes action on the bill to let him know and he will be there for any other questions the committee may have due to the complexity of the bill.

**HEARING ON SB 205**

**Sponsor:** **SENATOR JOHN COBB, SD 25, AUGUSTA**

**Proponents:** **Linda Vaughey, Commission Of Political Practices**  
**Dulcy Hubbert, Commission Of Political Practices**  
**Jack Halston, Montan Association of Counties**  
**Matthew Leow, Montana Public Interest Research Group**

**Opponents:** **None**

Opening Statement by Sponsor:

*{Tape : 2; Side : A; Approx. Time Counter : 25.1}*

**SENATOR JOHN COBB, SD 25, AUGUSTA** submitted and discussed written testimony. **EXHIBIT** (sth47a02)

Proponents' Testimony:

*{Tape : 2; Side : B; Approx. Time Counter : 8.6}*

**Linda Vaughey, Commission Of Political Practices** stated the ethics laws are completely different than the campaign plan for practices laws. The bill tries to clarify some of the language that has caused the most problems.

**Jack Halston, Montan Association of Counties** said he teaches an ethic class for county commissioners and receives calls on the code of ethics. One of the problems he faces is correctly advising county commissioners. It is not clear that county official and county employees are covered by all sections in the new code of ethics.

Questions from Committee Members and Responses:

*{Tape : 2; Side : B; Approx. Time Counter : 14.9}*

**REPRESENTATIVE DELL** asked what kind of authority does this bill provide for a local ethics committee. **Linda Vaughey** replied it does not impact the ability of the local government to create an ethics panel. Local government has the authority to police the ethics.

Closing by Sponsor:

*{Tape : 1; Side : A; Approx. Time Counter : 0}*

**REPRESENTATIVE COBB** said this bill is just trying to clarify things because it is a never ending process and some people are trying to do wrong, but most are trying to do good. The big issue on the school board elections are what can and cannot be done with a school board. This bill clarifies that.

**ADJOURNMENT**

Adjournment: 9:40 A.M.

---

REP. ALLAN WALTERS, Chairman

---

RUTHIE PADILLA, Secretary

AW/RP

**EXHIBIT (sth47aad)**